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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: ATM-2243

Applicant : Peter K/ANCSAR et al.
Serial No. : 09/926,583
Filed : November 21, 2001
For : CHILD-RESISTANT PACKAGING FOR TABLETS

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed is an English-language translation of the International
Preliminary Examination Report from applicants' International Patent
Application No. PCT/EP00/04333.

Respectfully submitted,

Virgil H. Marsh

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DATE: Dec. 28, 2001

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CERTIFICATE OF MAILING

I certify that this correspondence dated
December 28, 2001 is being deposited with the United
States Postal Service as first class mail in an envelope
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Washington, D.C. 20231 on

Dec. 28, 2001

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Commissioner For Patents
Washington, D.C. 20231

09/026,583

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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference HB/mw 2243WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/04333	International filing date (day/month/year) 13 May 2000 (13.05.00)	Priority date (day/month/year) 02 June 1999 (02.06.99)
International Patent Classification (IPC) or national classification and IPC B65D 75/36		
Applicant ALUSUISSE TECHNOLOGY & MANAGEMENT AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 13 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 10 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 22 December 2000 (22.12.00)	Date of completion of this report 30 August 2001 (30.08.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 5-17 _____, as originally filed
pages _____, filed with the demand
pages _____ 1-4 _____, filed with the letter of _____ 11 June 2001 (11.06.2001)
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-14 _____, filed with the letter of _____ 11 June 2001 (11.06.2001)
- ☒ the drawings:
pages _____ 1/5-5/5 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/04333

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☒ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos. _____

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box IV.

Lack of unity of invention

1. The different inventions are:

Invention I: Claims 1, 3, 9-14
child-proof packaging for tablets,
the second adhesive (32) being less
adhesive than the first adhesive
(30) when the outer packaging (10)
is sealed and being more adhesive
than the first adhesive (30)
following separation of the cover
part (18) from the intermediate part
(16).

Invention II: Claim 2
child-proof packaging for tablets,
the intermediate part (56) being
partially covered by a removable
separation part (57), the third
adhesive (78) being less adhesive
than the first adhesive (70) and the
second adhesive (74) being more
adhesive than the first adhesive
(70).

Invention III: Claim 4
child-proof packaging for tablets,
the closure part (108) being folded
along a first fold line (k) when the
outer packaging (100) is sealed and

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box IV.

along a second fold line (1) when the outer packaging (100) is open, the second adhesive (128) being disposed between the closure part (108) and the cover part (106) following folding of the closure part (108) along the second fold line (1).

Invention IV: Claims 5-8

child-proof packaging for tablets in which, when the outer packaging (140) is sealed, a detachable connection exists between the first cover part (160) and the blister pack (142) and between the second cover part (162) and the closure part (146), said connection being separated following opening of the outer packaging (140) by pulling on the tabs (158, 166), the cover foil (154) over the hollow (152) in the blister pack (142) lying opposite the withdrawal opening (172) when the outer packaging is open.

The general concept linking independent Claims 1, 2, 4, 5, 6, 13 and 14 is clearly that of child-proof packaging for tablets, comprising a blister pack with at least one hollow for receiving the tablets and sealed by means of a cover foil that

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box IV.

can be pressed through, a first cover part being arranged above the blister pack provided with outer packaging, the first cover part being overlapped by a second cover part and the cover film over the blister pack being directed against the first cover part. This concept is already known, however, from US-A-3 912 082 (D1).

The special technical features which determine the contribution made by Claim 1 to the prior art (D1) are: a first adhesive is disposed between the blister pack and the intermediate part and a second adhesive is disposed between the intermediate part and the cover part, the second adhesive being less adhesive than the first adhesive when the outer packaging is sealed and being more adhesive than the first adhesive following separation of the cover part from the intermediate part.

Neither these nor corresponding technical features are contained in Claims 2 or 4, or 5 or 6.

Furthermore, Claims 2, 4 and 5 (or 6) are also not linked by a common inventive concept.

2. Consequently, the different inventions are not so linked as to form a single general inventive concept (PCT Rule 13.1).

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
/EP 00/04333

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: US-A-3 912 082 (PACKAGING COORDINATORS)
14 October 1975 (1975-10-14).

2. Document D1 is considered the prior art closest to the subject matter of independent Claim 1 and discloses (see column 2, lines 1-24; Figures 5-10): child-proof packaging for tablets, capsules or similar pharmaceutical products, comprising a blister pack (23) with at least one hollow (19) for receiving the tablets (18) and sealed by means of a cover foil (25) that can be pressed through, an intermediate part (27) being arranged above the blister pack provided with outer packaging (21, 27, 29) and the intermediate part being covered by a cover part (29), the cover film over the blister pack being directed against the intermediate part, a first adhesive being disposed between the blister pack and the intermediate part and a second adhesive being disposed between the intermediate part and the cover part, the second adhesive being less adhesive than the first adhesive when the outer packaging is sealed (21, 27, 29).

The subject matter of Claim 1 therefore differs from the known packaging in that the second adhesive is more adhesive than the first adhesive following separation of the cover part from the intermediate part.

The present invention can therefore be considered to address the problem of ensuring that the cover foil over the blister pack can be lifted from the intermediate part by placing the cover part back on the intermediate part and re-separating the cover part together with the intermediate part from the cover film.

The concept of increasing the adhesiveness of the second adhesive in relation to the first adhesive in order to lift the cover film over the blister pack, which requires little force yet involves a movement that would be difficult for a child, is novel and is not suggested by the available prior art or the general knowledge of a person skilled in the art.

The solution to this problem proposed in Claim 1 of the present application therefore involves an inventive step (PCT Article 33(3)).

3. Claims 3 and 9-14 are dependent on Claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.
4. Document D1 is considered the prior art closest to the subject matter of independent Claim 2 and discloses:
child-proof packaging for tablets, capsules or similar pharmaceutical products, comprising a

blister pack (23) with at least one hollow (19) for receiving the tablets (18) and sealed by means of a cover foil (25) that can be pressed through, an intermediate part (27) being arranged above the blister pack provided with outer packaging (21, 27, 29), the cover film over the blister pack being directed against the intermediate part and a first adhesive being disposed between the blister pack and the intermediate part.

The subject matter of Claim 2 therefore differs from the known packaging in that the intermediate part is partially covered by a removable separation part on which lies a cover part, a second adhesive being disposed between the intermediate part and the separation part and a third adhesive being disposed between the intermediate part not covered by the separation part and the separation part and cover part, the third adhesive being less adhesive than the first adhesive and the second adhesive being more adhesive than the first adhesive.

The present invention can therefore be considered to address the problem of ensuring that the cover foil over the blister pack can be lifted from the intermediate part by separating the cover part from the separation part and the intermediate part, removing the separation part, placing the cover part back on the intermediate part and re-separating the cover part together with the intermediate part from the cover film.

The concept of using a removable separation part and different strengths of adhesive between the cover part, the separation part and the intermediate part

in order to lift the cover film over the blister pack, which requires little force yet involves a movement that would be difficult for a child, is novel and is not suggested by the available prior art or the general knowledge of a person skilled in the art.

The solution to this problem proposed in Claim 2 of the present application therefore involves an inventive step (PCT Article 33(3)).

5. Document D1 is considered the prior art closest to the subject matter of independent Claim 4 and discloses:

child-proof packaging for tablets, capsules or similar pharmaceutical products, comprising a blister pack (23) with at least one hollow (19) for receiving the tablets (18) and sealed by means of a cover foil (25) that can be pressed through, the blister pack being disposed in outer packaging between a base part (21) and a cover part (27), the cover part being covered by a closure part (29), the cover film over the blister pack being directed against the cover part and a first adhesive being disposed between the base part or blister pack and the cover part when the outer packaging is sealed.

The subject matter of Claim 4 therefore differs from the known packaging in that the closure part is overlapped by a tear-off part, a second adhesive being disposed between the base part and the closure part, the second adhesive being more adhesive than the first adhesive and the closure part being folded along a first fold line when the outer packaging is sealed and along a second fold line when the outer

packaging is open, the second adhesive being disposed between the closure part and the cover part following folding of the closure part along the second fold line.

The present invention can therefore be considered to address the problem of ensuring that the cover foil over the blister pack can be lifted from the cover part by separating the closure part and the tear-off part from the base part, placing the closure part, which is folded along the second fold line, back on the cover part and re-separating the closure part together with the cover part from the cover film.

The concept of folding the closure part along two different fold lines and using different strengths of adhesive between the closure part and the base part or cover part in order to lift the cover film over the blister pack, which requires little force yet involves a movement that would be difficult for a child, is novel and is not suggested by the available prior art or the general knowledge of a person skilled in the art.

The solution to this problem proposed in Claim 4 of the present application therefore involves an inventive step (PCT Article 33(3)).

6. Document D1 is considered the prior art closest to the subject matter of independent Claim 5 and discloses:
child-proof packaging for tablets, capsules or similar pharmaceutical products, comprising a blister pack (23) with at least one hollow (19) for receiving the tablets (18) and sealed by means of a

cover foil (25) that can be pressed through, a first cover part (27) being arranged above the blister pack provided with outer packaging (21, 27, 29) and the first cover part being overlapped by a second cover part (29), the cover film over the blister pack being directed against the first cover part.

The subject matter of Claim 5 therefore differs from the known packaging in that the second cover part is overlapped by an adjacent closure part, the closure part having a withdrawal opening that lies opposite the hollow in the blister pack, is closed by the second cover part when the outer packaging is sealed and is optionally covered by an opening seal that can be pressed through, the two cover parts being connected to each other at one end, at the other end to one end of the blister pack or the closure part, and the blister pack being connected at the other end to the closure part to form tabs, the tabs of the two cover parts lying within a loop formed by the blister pack and the closure part, and, when the outer packaging is sealed, a detachable connection existing between the first cover part and the blister pack and between the second cover part and the closure part, said connection being separated following opening of the outer packaging by pulling on the tabs, the cover foil over the hollow in the blister pack lying opposite the withdrawal opening when the outer packaging is open.

The present invention can therefore be considered to address the problem of ensuring that the cover foil over the blister pack can be lifted by removing two cover parts by pulling on different tabs formed between the cover parts, the blister pack and the

closure part and placing the closure part with the withdrawal opening on the cover film.

The concept of forming different tabs between the closure part, the two cover parts and the blister pack and of using a withdrawal opening on the closure part in order to lift the cover film over the blister pack, which requires little force yet involves a movement that would be difficult for a child, is novel and is not suggested by the available prior art or the general knowledge of a person skilled in the art.

The solution to this problem proposed in Claim 5 of the present application therefore involves an inventive step (PCT Article 33(3)).

7. Document D1 is considered the prior art closest to the subject matter of independent Claim 6 and discloses:

child-proof packaging for tablets, capsules or similar pharmaceutical products, comprising a blister pack (23) with at least one hollow (19) for receiving the tablets (18) and sealed by means of a cover foil (25) that can be pressed through, the blister pack being disposed in outer packaging (21, 27, 29) between a base part (21) and a first cover part (27), the first cover part being overlapped by a second cover part (29) and the cover film over the blister pack being directed against the first cover part.

Irrespective of the lack of clarity (see Box VIII), the subject matter of Claim 6 differs from the known packaging in that the second cover part is

overlapped by an adjacent closure part, the closure part having a withdrawal opening that lies opposite the hollow in the blister pack, is closed by the second cover part when the outer packaging is sealed and is optionally covered by an opening seal that can be pressed through, the two cover parts being connected to each other at one end, at the other end to one end of the base part or the closure part and the base part being connected at the other end to the closure part to form tabs, the tabs of the two cover parts lying within a loop formed by the base part and the closure part, and, when the outer packaging is sealed, a detachable connection existing between the first cover part and the base part and between the second cover part and the closure part, said connection being separated following opening of the outer packaging by pulling on the tabs, the cover foil over the hollow in the blister pack lying opposite the withdrawal opening when the outer packaging is open.

The present invention can therefore be considered to address the problem of ensuring that the cover foil over the blister pack can be lifted by removing two cover parts by pulling on different tabs formed between the cover parts, the base part and the closure part and placing the closure part with the withdrawal opening on the cover film.

The concept of forming different tabs between the closure part, the two cover parts and the base part and of using a withdrawal opening on the closure part in order to lift the cover film over the blister pack, which requires little force yet involves a movement that would be difficult for a

child, is novel and is not suggested by the available prior art or the general knowledge of a person skilled in the art.

Consequently, the solution to this problem proposed in Claim 6 of the present application, insofar as it has been clarified (see Box VIII), involves an inventive step (PCT Article 33(3)).

8. Claims 7 and 8 are dependent on Claims 5 or 6 and therefore likewise meet the PCT requirements for novelty and inventive step.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The word "first" should have been deleted if the "the first cover part (160)" was replaced in Claim 6 by the "closure part (146)", since only one closure part was defined in said claim (PCT Article 6).